REMARKS

Claims 1, 6-8, 10, 11 and 17 are pending in the application.

Applicants have amended the specification to include reference to the divisional U.S. Application No. 09/838,430, now abandoned.

Claims 1, 6-8,10, 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 586,911 and Sylling et al. WO 85/01938 and alternatively over JP51-124578 alone.

In regard to the 35 U.S.C.103(a) rejection of EP '911 over Sylling et al WO' 938, the Examiner alleges that EP'911 composition claims embrace the instant. The only difference between instant application and EP '911 is EP '911 teaches gel composition and instant teaches aqueous composition. By combining Styling which teaches the use of aqueous solutions of anionic polymers for reducing harmful effects of salts on soils and EP '911, Examiner suggests all of the instant components are disclosed. And thus, as Examiner explains, this combination makes obvious the present application. The Applicant respectfully disagrees.

EP '911 differs from the instant invention by several aspects. The Applicant reminds the Examiner, EP '911 demands that the soil modifier must contain a redox couple. The Examiner states that the term "comprising" cited in the instant claims is inclusive and fails to exclude unrecited steps or components. However, **the instant claims do not read "comprising" but read "consisting essentially of".** This preface does not allow the addition of components that materially affect the basic and novel characteristics of the claimed invention. Hence, the addition of a redox couple in EP '911 which causes gelation, fundamentally affecting the viscosity and pumpability of the instant solution is not encompassed by the instant claims.

Further, the Examiner's statement that in the pharmaceutical area gels, solutions and ointments are used and that therefore the "different forms...are optional and would have been obvious" is incorrect. Pharmaceutical gels, solutions and ointments are applied by embrocating. While embrocating is applicable to human skins, it is clearly not applicable to soils.

The Examiner alleges that it would be obvious to combine EP '911 with the anionic of Styling to arrive at water-soluble solutions of the instant invention. However, it is quite clear that Styling's compositions

are utterly different than those disclosed in EP '911 and the instant invention. Styling uses low molecular weight anionic dispersants to drive high sodium and alkaline ions away from the growth sites. The anionics are not used to stabilize the soil. In fact, the anionic of Styling are "not intended as a means of introducing fertilizers to crops." See page 6 lines 18-21. WO85/01938 teaches to take off salts from the soil. The instant invention deals with compositions, which add fertilizer to the soil. If a person of the art were looking for a suggestion of forming water-soluble solutions of EP' 911, they would not look to Styling because the disclosure specifically teaches away from combining the water-soluble anionics of Styling for the purposes of soil stabilization and fertilization. Therefore, the combination of EP'911 with Styling is incorrect.

To summarize: EP'911 requires a redox couple. The instant invention limits inclusion of a redox couple by the phrase "consisting essentially of". Therefore the instant invention does not encompass the EP'911 claims including a redox couple. Further, EP'911 composition is a gel. A gel is not simply a different form of an aqueous solution as the Examiner has stated using the pharmaceutical literature as a reference. And finally, the subject matter of Styling does not attempt to solve a related problem as those in either EP '911 or the instant invention, and for that reason it is entirely incorrect to combine Styling with EP'911. The Applicant, therefore requests reconsideration and that the rejection be withdrawn.

JP 51-124578 teaches an aqueous solution-form soil conditioning fertilizer comprising an acrylamide-potassium acrylate copolymer. On page 3, first paragraph of JP '578, the "copolymer can be used in the form of a complete fertilizer formed by adding a phosphorus fertilizer and a trace element fertilizer to the aqueous solution of the copolymer. The ratio of monomers used in JP '578 is not embrace by the instant claims but fall in the range of 70 to 50 % acrylamide. On page 2, paragraph 3 (of the English translation) it is explained that

"...from a practical point of view, it is preferred that the acrylamide unit content falls in the range of from 70 to 50% by mole."

This leads to the opposite direction of the instantly claimed compositions containing from 60 to 80% anionic monomer (which means at the most 40% nonionic monomer). Moreover, the specific polymers used in the instant compositions and their specific advantageous properties are neither taught nor suggested in JP 51-124587.

Reconsideration and withdrawal of the rejection of claims 1,6-8,10,11 and 17 is respectfully solicited in light of the remarks *supra*.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,

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Enclosure: Petition for 2 month extension of time.